

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SHAUN ROSIERE,

Plaintiff,

v.

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,

Defendant.

2:09-CV-1975 JCM (PAL)

ORDER

Presently before the court are plaintiff's objections to/motions for district judge to reconsider orders regarding: document 14 (doc. #24), document 15 (doc. #25), and document 19 (doc. #26). The defendant has not responded.

I. Consent

Plaintiff requests de novo review of the three magistrate judge's orders pursuant to 28 U.S.C. § 636, arguing that the parties have not consented to a United States magistrate judge conducting proceedings or entering orders in this case. (Doc. # 24, 25, 26).

The issue of consent is inapposite. Pursuant to local rule IB 1-3, "a magistrate judge may hear and finally determine any pretrial matter not specifically enumerated as an exception in 28 U.S.C. § 636(b)(1)(A)." The magistrate judge's orders at issue addressed three motions to quash subpoenas (doc. # 24, 24, 26) and a motion for sanctions (doc. #26), none of which are enumerated exceptions under 28 U.S.C. § 636(b)(1)(A). Accordingly, these issues were properly addressed by Magistrate Judge Leen.

II. Standard of Review

Pursuant to Local Rule IB 3-1(a), “a district judge may reconsider any pretrial matter referred to a magistrate judge in a civil or criminal case pursuant to LR IB 1-3 where it has been shown that the magistrate judge’s ruling is clearly erroneous or contrary to law.” Any party wishing to object to such a ruling must file written objections together with points and authorities in support thereof within ten days from the date of service of the ruling. *Id.*

Here, the plaintiff objects to three orders. The first order, document 14, was filed and served on the parties on January 29, 2010. The plaintiff filed an objection on February 18, 2010 (doc. #21), more than ten days after the date of service. Accordingly, the motion for reconsideration (doc. #24) is denied as untimely.

The second order, document 15, was filed and served on the parties on January 29, 2010. The plaintiff filed an objection on February 19, 2010 (doc. #22), more than ten days after the date of service. Accordingly, the motion for reconsideration (doc. #25) is denied as untimely.

The third order, document 19, was filed and served on the parties on February 5, 2010. The plaintiff filed an objection on February 25, 2010 (doc. #23), more than ten days after the date of service. Accordingly, the motion for reconsideration (doc. #26) is denied as untimely.

Furthermore, the court finds that even if the objections were submitted in a timely fashion, the magistrate judge’s rulings were not clearly erroneous or contrary to law under Local Rule IB 1-3. The findings are therefore affirmed.

Accordingly,

IT IS ORDERED, ADJUDGED, AND DECREED that plaintiff’s objections to document 14 (doc. #24), document 15 (doc. #25) and document 19 (doc. #26) and motions to reconsider are hereby DENIED.

DATED September 29, 2010.


UNITED STATES DISTRICT JUDGE